

Exhibit 1

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

ANDREW COLBORN,

Plaintiff,

COPY

-VS-

CIVIL ACTION NO. 19-CV-0484-BHL

NETFLIX, INC., ET AL.

VOLUME I

Defendants.

VIDEOTAPED DEPOSITION OF

ANDREW L. COLBORN

DATE: July 21, 2022

TIME: 9:23 a.m. - 5:22 p.m.
LOCATION: Godfrey & Kahn, S.C.
833 East Michigan Street
Suite 1800
Milwaukee, Wisconsin 53202

REPORTED BY:

Paula Huettenrauch, RMR, CRR
365Reporting, LLC

VIDEOGRAPHER

Jon Hansen, CLVS
Video Concepts
608.408.7411

1 A P P E A R A N C E S
2

3 LAW FIRM OF CONWAY, OLEJNICZAK & JERRY, S.C., BY
4 R. GEORGE BURNETT, ATTORNEY AT LAW
5 231 South Adams Street
6 Green Bay, Wisconsin 54301
7 Gb@lcojlaw.com
8 appeared on behalf of the Plaintiff.

9 ROCKSTEAD LAW, LLC, BY
10 APRIL ROCKSTEAD BARKER, ATTORNEY AT LAW
11 525 North Lincoln Avenue
12 Beaver Dam, Wisconsin 53916
13 aprilrbarker@rocksteadlaw.com
14 appeared on behalf of the Plaintiff.

15 BALLARD SPAHR LLP, BY
16 LEITA WALKER, ATTORNEY AT LAW
17 2000 IDS Center
18 80 South 8th Street
19 Minneapolis, Minnesota 55402
20 walkerl@ballardspahr.com
21 appeared on behalf of Netflix, Inc.

22 BALLARD SPAHR LLP, BY
23 ISABELLA SALOMAO NASCIMENTO, ATTORNEY AT LAW
24 2000 IDS Center
25 80 South 8th Street
26 Minneapolis, Minnesota 55402
27 salomaonascimentoi@ballardspahr.com
28 appeared on behalf of Netflix, Inc.

29 BALLARD SPAHR LLP, by
30 EMMY S. PARSONS, ATTORNEY AT LAW
31 1909 K Street NW, Suite 1200
32 Washington, DC 20006-1157
33 parsonse@ballardspahr.com
34 appeared via Zoom videoconference on
35 behalf of Netflix, Inc.

1 BALLARD SPAHR LLP, by
2 MATTHEW E. KELLEY, ATTORNEY AT LAW
3 1909 K Street NW, Suite 1200
4 Washington, DC 20006-1157
5 kelleym@ballardspahr.com
6 appeared via Zoom videoconference on
7 behalf of Netflix, Inc.

8
9
10 JASSY VICK CAROLAN LLP, by
11 KEVIN L. VICK, ATTORNEY AT LAW
12 355 South Grand Avenue, Suite 2450
13 Los Angeles, California 90071
14 kvick@jassyvick.com
15 appeared on behalf of Chrome Media LLC,
16 Laura Ricciardi, and Moira Demos.

17
18 JASSY VICK CAROLAN LLP, by
19 MEGHAN E. FENZEL, ATTORNEY AT LAW
20 355 South Grand Avenue, Suite 2450
21 Los Angeles, California 90071
22 mfenzel@jassyvick.com
23 appeared via Zoom videoconference on
24 behalf of Chrome Media LLC, Laura Ricciardi, and
25 Moira Demos.

14 ***

15
16 ALSO PRESENT:

17 Debra Bursik, Paralegal

18 Moira Demos, Defendant

19 Laura Ricciardi, Defendant

20 Melinda LeMoine, Director, Litigation, Netflix, Inc.

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1 A Yes, I do.

2 Q But unless Mr. Griesbach was in the room
3 with you or any of us sitting here today were in the
4 room with you, none of us can know with 100 percent
5 certainty, correct?

6 A I would think that I drove that point home
7 in the trial, and based on the subsequent conviction,
8 I believe the jury was convinced of it.

9 Q We would have to trust you, correct,
10 Mr. Colborn?

11 A Yes, you would have to trust that I was
12 telling the truth under oath.

13 Q And the jury found for the prosecution and
14 convicted Mr. Avery, correct?

15 A Yes, they did.

16 Q And the jury's findings were included in
17 Making a Murderer, correct?

18 MR. BURNETT: Objection, form.

19 Q Do you know?

20 A I have not watched a clip of or any of
21 Making a Murderer when the jury verdict is read or --
22 so I can't answer you positively. I don't know what
23 was included. I don't know what episode that was in.

24 Q You have no reason to dispute that it was
25 included, correct?

1 CERTIFICATION PAGE
2

3 STATE OF WISCONSIN)
4 MILWAUKEE COUNTY)
5

6 I, PAULA M. HUETTENRAUCH, RMR, CRR,
7 Notary Public in and for the State of Wisconsin, do
hereby certify:
8

9 That prior to being examined, the
10 deponent named in the foregoing deposition,
11 ANDREW L. COLBORN, was by me duly sworn to testify
12 the truth, the whole truth, and nothing but the
13 truth.

14 That said deposition was taken before
15 me at the time, date, and place set forth; and I
16 hereby certify the foregoing is a full, true, and
17 correct transcript of my shorthand notes so taken and
18 thereafter reduced to computerized transcription
under my direction and supervision.

19 I further certify that I am neither
20 counsel for nor related to any party to said action,
21 nor in any way interested in the outcome thereof; and
22 that I have no contract with the parties, attorneys,
23 or persons with an interest in the action that
affects or has a substantial tendency to affect
impartiality, or that requires me to provide any
service not made available to all parties to the
action.

24 IN WITNESS WHEREOF, I have hereunto
25 subscribed my name this 28th day of July, 2022.

Paula Huettenrauch

Paula M. Huettenrauch, RMR, CRR
Notary Public - State of Wisconsin

My Commission Expires 8/18/2023



UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

ANDREW COLBORN,

COPY

Plaintiff,

-vs- CIVIL ACTION NO. 19-CV-0484-BHL

NETFLIX, INC., ET AL., VOLUME II

Defendants.

CONTINUED VIDEOTAPED DEPOSITION OF

ANDREW L. COLBORN

DATE: July 22, 2022

TIME: 9:02 a.m. - 4:40 p.m.

LOCATION: Godfrey & Kahn, S.C.
833 East Michigan Street
Suite 1800
Milwaukee, Wisconsin 53

REPORTED BY:

Paula Huettenrauch, RMR, CRR
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18 Moira Demos, Defendant

19 Laura Ricciardi, Defendant

20 Melinda LeMoine, Director, Litigation, Netflix, Inc.

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1 A During trial?

2 Q **At any time.**

3 A I believe Kathleen Zellner might have tried
4 some sort of reenactment of it, but I haven't viewed
5 the reenactment.

6 Q **Anyone from law enforcement side doing
7 something similar that you've heard of?**

8 A No.

9 Q **Now, prior to that day that the key was
10 discovered, you had previously searched the room,
11 right, on previous days?**

12 A Yes. Yes, sir.

13 Q **And during searches on previous days, had
14 you personally searched the bookcase?**

15 A Yes.

16 Q **But you didn't find the key at that time?**

17 A No.

18 Q **And nobody else did either, right?**

19 A No.

20 Q **Does it surprise you that it wasn't found
21 until that day, on November 8th?**

22 A I was surprised that we found it on the last
23 day, yes.

24 Q **Can you understand how someone who wasn't
25 there for the search like yourself, Lieutenant Lenk,**

1 and Deputy Kucharski, can you understand how they
2 might have some uncertainty about your three's
3 explanation about how the key came to be found that
4 day?

5 MR. BURNETT: Objection, form,
6 foundation.

7 A I don't have an instinctive distrust of law
8 enforcement. I trust law enforcement because I was
9 in it for 27 years. So I like to think that my
10 testimony and when I say something, people understand
11 that I'm under oath and I'm saying the truth. If I
12 don't know the answer to a question, I say I don't
13 know.

14 Q But can you understand how people who didn't
15 know you personally, I'm not saying that they
16 necessarily think that you're lying, but how they
17 could walk away from hearing the explanation of how
18 the key was found and just say, "I'm not sure what
19 happened"?

20 MR. BURNETT: Objection --

21 Q Can you understand that?

22 MR. BURNETT: Objection to form and
23 foundation.

24 A My explanation at trial was the only
25 possible way I could think that that key got to where

1 CERTIFICATION PAGE
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3 STATE OF WISCONSIN)
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under my direction and supervision.

19 I further certify that I am neither
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21 nor in any way interested in the outcome thereof; and
22 that I have no contract with the parties, attorneys,
23 or persons with an interest in the action that
24 affects or has a substantial tendency to affect
25 impartiality, or that requires me to provide any
service not made available to all parties to the
action.

IN WITNESS WHEREOF, I have hereunto
subscribed my name this 28th day of July, 2022.

Paula Huettenrauch

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Paula M. Huettenrauch, RMR, CRR
Notary Public - State of Wisconsin

My Commission Expires 8/18/2023

